

A P P E A R A N C E S: (Continued)

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A P P E A R A N C E S: (Continued)

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Robert Cain

1 (PROCEEDINGS held via Teams videoconferencing before
2 the Honorable Thomas I. Vanaskie (Ret.), Special Master, at
3 3:00 p.m. as follows:)

4 THE COURT: All right. Now is the time we set for a
5 case management conference. And I've received the agenda
6 letters with proposed schedules to get the first plaintiff
7 personal injury bellwether trials set for trial.

8 Who will be speaking on behalf of the plaintiffs
9 today?

10 MR. NIGH: Your Honor, I will. It's Daniel Nigh, as
11 well as Adam Slater.

12 THE COURT: Very well.

13 And who will be speaking on behalf of the defense, or
14 there will be multiple?

15 MR. STOY: Good afternoon, Your Honor. This is Frank
16 Stoy. I'll be speaking on maybe some of the issues but not all
17 of them.

18 THE COURT: All right. Are we expecting others as
19 well? Maybe we should give it a few minutes.

20 MR. STOY: I don't know if I've seen counsel for ZHP.

21 THE COURT: I don't see counsel for ZHP. And I would
22 also ask, and I'll repeat this request, for those of you who
23 appear by way of a telephone number only, if you could insert
24 your name or identify yourself so we know who is here for the
25 call.

1 MS. DAVIDSON: Your Honor, it's Jessica. I am on,
2 for ZHP. But my -- it says "your video isn't working," and I'm
3 trying to figure out why.

4 THE COURT: Okay. As long as I know we have you,
5 Jessica.

6 MS. DAVIDSON: Thank you.

7 THE COURT: Because I see we have 38 people,
8 according to the computer.

9 MS. DAVIDSON: That's a lot of us.

10 THE COURT: Yeah.

11 And I do have a roster here.

12 I have -- and I see you're on now, Jessica --
13 somebody with a number that ends in 73 on, if that person could
14 identify themselves.

15 (No response.)

16 THE COURT: I think everybody else is identified.
17 And now we're up to 41 persons here.

18 All right. The person with the last two digits in
19 their phone number "73," can that person identify him or
20 herself?

21 MS. LOCKARD: It looks like they dropped off, Judge.

22 THE COURT: Okay.

23 MS. DAVIDSON: They didn't want us to know who they
24 were.

25 (Laughter.)

1 MR. NIGH: Right.

2 THE COURT: But now we have somebody there. We're
3 getting people joining. So I started this a little bit too
4 soon.

5 (Teams recording: "Unknown participant now
6 joining.")

7 THE COURT: Who just joined?

8 (No response.)

9 THE COURT: We have somebody with -- oh, Adam Slater.
10 Okay. And the person with the --

11 (Teams recording: "Is now joining.")

12 THE COURT: Maybe they're rejoining.

13 The person with the last two digits in their phone
14 number 73 has rejoined, who is that?

15 MR. REEFER: Hi, Judge. This is Jason Reefer from
16 the Pietragallo firm for the Mylan defendants. I'm having
17 trouble with my Teams, so I'm trying to dial in by phone as
18 well.

19 THE COURT: Okay. As long as we know who you are.

20 MR. REEFER: Yeah. I apologize. I was trying to get
21 my name on the screen, but I am not --

22 THE COURT: That's okay. I don't know how to do that
23 either. Mine just appears.

24 Let's give it another minute or two. We're up to 44
25 persons attending.

1 (Pause.)

2 THE COURT: All right. We will get started now.
3 It's 3:05. I have the agenda letters from both sides. And I
4 wanted to address the question of subject matter jurisdiction
5 raised in the defense letter.

6 Do we know how many instances we have this as a
7 problem? That is, okay, I should be more specific in what
8 "this" is being the problem.

9 And this is that there are some instances where
10 individual plaintiffs have nondiverse defendants as part of
11 their action. And as luck would have it, the first case
12 identified, and that I thought there had been agreement among
13 counsel that this would be a bellwether trial, is the matter of
14 Gaston Roberts versus ZHP, et al.

15 And it turns out that Mr. Roberts' complaint
16 identifies an Alabaman pharmacy as a defendant, and he is from
17 Alabama as well.

18 Are there other instances? Are we aware of others?
19 Can anybody address this on behalf of the plaintiffs?

20 MR. NIGH: Yes, Your Honor. The Pate case is another
21 one that has diversity issues as the defendants raised. But
22 for Roberts I think it's a nonissue. When we amended the
23 complaint, we have never served that local defendant, and we
24 will just file a dismissal for that local pharmacy defendant.

25 THE COURT: All right. I think that will take care

1 of that.

2 What about Pate?

3 MR. NIGH: Pate is a little bit more complicated, and
4 I think we just need, you know, a little bit more time to look
5 at that one to make sure we don't have an issue. But we have
6 to kind of compare sort of the various options on that.

7 THE COURT: Pate is from Delaware, and you have
8 several Delaware corporations in the case -- in his case?

9 MR. NIGH: That's what it appears to be, yes, Your
10 Honor. We just -- we want to look back just to make sure at
11 the time of the filing there were Delaware cases, but it does
12 appear that way on our brief look, and then we would need to
13 make a decision on whether or not those are parties that we
14 need to pursue and/or if this needs to be filed in state court.

15 THE COURT: All right. And by when will you make
16 that decision?

17 MR. NIGH: If we can have two weeks. I think we'll
18 have it worked out, if not earlier than that.

19 THE COURT: All right. Two weeks from today.

20 MR. NIGH: Yes, Your Honor.

21 THE COURT: All right. Well, I think we can proceed
22 based on what you have said, Mr. Nigh, with respect to
23 establishing the schedule for the Gaston Roberts matter. Now,
24 I can't profess to know the differences, but you've both
25 submitted to me proposed schedules that seem to be -- I was

1 looking at these schedules. I said I think I gave you too much
2 time to get ready for that first bellwether trial. But having
3 done it, that's where it's at.

4 Now, I will say one other thing, and this is related
5 to what was in the plaintiffs' submission. I think what we're
6 going to do is move that first bellwether trial to the second
7 Monday in September so it's not starting the day after Labor
8 Day. It may be that we -- that Judge Bumb decides to pick the
9 jury that first week of September, but the first trial date
10 would be Monday.

11 MR. NIGH: Okay.

12 THE COURT: So that would be Monday, September 8th.

13 MR. NIGH: And, Your Honor, we have looked at the
14 defendants' schedule. I think we're largely in agreement on
15 the first trial. A couple of the differences would have been
16 filing the 702/*Daubert* motions at the same time as the summary
17 judgment motions. We thought it makes more sense to do them at
18 the same time as the MILs. But we're also not disagreeable to
19 do the SJ motions at the same time as the 702/*Daubert*, if
20 that's what the defendants want.

21 THE COURT: All right.

22 MR. NIGH: So I'll let them speak on that topic.

23 THE COURT: Jessica or Frank, either one.

24 MS. DAVIDSON: Your Honor, when I received this
25 letter, I was reminded of Judge Bumb saying a few weeks ago

1 that we can't agree with plaintiffs ever on anything. And I
2 wanted so badly to show her, this may be the closest we've ever
3 come to agreement in this entire litigation. You know, we're
4 very, very close. I think that --

5 THE COURT: That's because you didn't confer in
6 advance.

7 (Laughter.)

8 MS. DAVIDSON: The only thing that gave -- you know,
9 that I didn't love here was there's so much time and then
10 there's only like a week for summary judgment replies, which
11 makes no sense. So there's a couple places here where I think
12 we would ask plaintiffs to, you know, spread out a little bit
13 more the briefing, which is why we have the briefing starting
14 earlier with more time for oppositions and replies. But I'm
15 sure we can reach compromise.

16 And I think, if Daniel agrees, that we could submit
17 an agreed schedule to the Court, you know, this week, or we
18 could work out the slight differences in here, if plaintiffs
19 are amenable to that.

20 THE COURT: Daniel or Adam.

21 MR. NIGH: I think so. I think so. I do want Adam
22 to be able to speak on the deposition designations, because he
23 was thinking an earlier date than the July 18th. So, Adam, if
24 you want to speak on that.

25 (No response.)

1 MR. NIGH: Maybe not.

2 MS. DAVIDSON: You guys, I noticed, didn't have a
3 date for that, so...

4 MR. SLATER: Yeah, we didn't. My -- so in terms of
5 the -- we had already served one of the witnesses, and we
6 thought we could do this on a rolling basis. We just feel like
7 since we've worked through all the ZHP witnesses, obviously
8 they need to be amended, and we've already started that process
9 and served the Min Li amendments, for example, adding general
10 causation. We'll go through the rest of them.

11 It just didn't seem to make sense to put that off so
12 far when Your Honor's already ruled on everyone, and it's just
13 a matter of us amending them. We thought we should get done
14 with those much earlier just to get them out of the way.

15 THE COURT: Well, I'd like to see that happen.

16 Did you suggest a date, Adam?

17 MR. SLATER: We were thinking April, May at the
18 latest.

19 MS. DAVIDSON: I'm sure we -- I don't want to speak
20 for Nina who gets to do this with Adam, but I'm sure we can
21 make that work.

22 THE COURT: All right. So why don't you confer on
23 that, too. And the order you submit to me, give me an
24 agreed-upon date for deposition designations, all right?

25 MR. SLATER: Sounds good, Your Honor.

1 MS. DAVIDSON: Yes.

2 MR. SLATER: And what we're going to suggest is a
3 rolling -- to do it on a rolling basis. So we'll start rolling
4 them out as we do them, and then we can let Your Honor know
5 when we have a critical mass to talk about and then I guess
6 Your Honor can do it the way we did before, on a reasonable
7 basis hopefully.

8 THE COURT: Yeah. I think that's a good way to
9 proceed. So proceed on that basis.

10 MR. SLATER: Okay.

11 MS. DAVIDSON: Sounds good.

12 Daniel and Adam, I created a table that shows ours
13 and yours and I'll send it to you, because I think that will
14 make it really quick and fast for us to reach agreement.

15 MR. NIGH: Okay.

16 MR. SLATER: All right.

17 THE COURT: All right. Very well.

18 MR. NIGH: And we have a little bit more of a
19 disagreement on wave two. I don't know if we want to talk
20 about that now.

21 THE COURT: Yeah. I guess we can go to wave two.
22 Are we finished with Gaston Roberts?

23 MS. DAVIDSON: I think we are.

24 MR. NIGH: I think so, Your Honor.

25 THE COURT: Okay. Let's go to wave two.

1 MR. NIGH: So for wave two, the other five cases, and
2 I should also say that the other five cases all have either
3 Aurobindo or Mylan in them, so we don't have this other
4 category of ZHP-only in terms of the random picks.

5 With that, there are three different cancer types in
6 addition to the liver cancer that's proceeding forward
7 beforehand. And so the things that are required in the second
8 wave are going to be Mylan/Aurobindo liability reports, and
9 it's also going to be, you know, multiple different cancers as
10 well.

11 So with that, that's the reason for our proposal.
12 Our proposal is a later time frame. It's the expert reports
13 would be due July 1st and then it takes more time because the
14 problem is trying to have expert depositions at the same time
15 as trial would be where the two abut up if you move the time
16 back.

17 And so we would have July 1st where our expert
18 reports are due, but then the expert depositions would have to
19 be -- you know, they would be happening mid-October to
20 mid-November, because we wouldn't be wanting to do their
21 depositions while the trial is going on.

22 THE COURT: All right. Who do we have speaking on
23 behalf of the other defendants in this second wave of trials?

24 MR. STOY: Good afternoon, Your Honor. It's Frank
25 Stoy for Mylan.

1 THE COURT: Frank, that's you. Okay.

2 MR. STOY: Yes, I'll address these issues.

3 THE COURT: Okay.

4 MR. STOY: So I don't think we really have much
5 fundamental disagreement with plaintiffs. I think both sides
6 recognize there's going to be a lot more work that has to be
7 done to work up these cases because we haven't done liability
8 work on Mylan or Aurobindo, and obviously we haven't done any
9 specific causation work on cancers.

10 So, you know, we -- defendants' schedule was based on
11 trying to do something that was, you know, aggressive, to be
12 mindful of the Court's directive to move these cases forward.
13 We were envisioning, you know, an earlier-in-time trial
14 potentially or to be trial ready in 2026. But I notice that
15 plaintiffs had sort of put in a placeholder for a March trial
16 date. So I think with that in mind, we can probably work
17 together and just sort of adjust the dates out, you know.

18 I'm happy to be cognizant of Mr. Nigh's point about
19 being in trial with respect to the Roberts case and not wanting
20 to overlap with that. So I think we can -- of course, ZHP's in
21 those cases, too, so I think that same consideration would
22 apply. So, you know, I think we can definitely work something
23 out that makes sense with respect to the staging of the motion
24 practice.

25 THE COURT: All right. I have conferred with

1 Judge Bumb, and trial starting in September of '25 is
2 consistent with her schedule. So I think you can count on
3 that. I think trial will start. We may have jury selection
4 the first week of September with evidence to be presented
5 starting September 8th.

6 MS. DAVIDSON: I guess the question is when -- sorry.

7 THE COURT: Go ahead. Go ahead, Jessica.

8 MS. DAVIDSON: I guess the question is, does the
9 Court have a preferred date for the second trial and then we
10 would work back from there?

11 THE COURT: Well, I think that March 1st date that is
12 mentioned in the plaintiffs' letter, we could go with that. I
13 did not cover the second trial with Judge Bumb.

14 MR. STOY: And I suppose on that point, I guess I
15 would just be remiss if I didn't add, Your Honor, that, you
16 know, we do have the *Lexecon* issue for several defendants that
17 are involved in the wave two cases. So that was why, you may
18 have noted in our proposal, we did not set dates necessarily
19 for motions in limine and all those issues.

20 You know, the way that we had envisioned it is let's
21 work up the cases to the point where we can file summary
22 judgment motions. Once we have summary judgment and Rule 702
23 decisions, then we can select the next case and at that point
24 we can decide on, you know, *Lexecon* waivers and those types of
25 things and build in the other dates up to a trial date. So

1 that was the reason why we staged it that way.

2 THE COURT: Go ahead, Adam.

3 MR. SLATER: Your Honor, I think that there's some
4 concern with that approach. It would seem to me that the
5 parties on both sides would need to make decisions on their
6 *Lexecon* rights, as they may be, much earlier so that we
7 understand where we are.

8 And I don't know what Judge Bumb's approach is,
9 whether she wants to work up cases to then be sent to another
10 district or whether she'd rather have cases that can be tried
11 in front of her. I'm not presupposing I know the answer to
12 that question. But it would seem to me that doing all the work
13 on these cases and then getting to the 10-yard line and then
14 finding out that they can't be tried here may not be consistent
15 with how the Judge envisions it. I don't know.

16 But I just think that leaving it till the end is
17 potentially problematic, and we could end up doing a lot of
18 work on a case and then finding out it doesn't fit with how the
19 Court wants to try the cases. And I would hate for anyone to
20 waste their time or money on a case like that.

21 THE COURT: Sure. Have we identified what cases
22 would have *Lexecon* issues? Do all of them?

23 MR. STOY: All of the cases in wave two would
24 potentially have those issues, Your Honor.

25 THE COURT: Okay. And those are issues that the

1 defendants would have to either waive or not waive?

2 MR. STOY: Correct. Or, I mean, I suppose plaintiffs
3 have *Lexecon* rights, too, so --

4 THE COURT: Oh, they do.

5 MR. STOY: -- it's not just the defendants.

6 THE COURT: Yeah.

7 MR. STOY: Yes. I know that, for instance, the Mylan
8 defendants would have *Lexecon* rights. I believe Aurobindo
9 defendants would. CVS, Walmart may also as well. I think
10 those are the parties that are in those cases in addition to
11 Torrent and ZHP who I don't believe have *Lexecon* issues.

12 THE COURT: All right. I would like to put out for
13 trial or put up for trial the cases that don't have any *Lexecon*
14 issues so we can get that put to the side.

15 So does it make sense to ask you all to find out
16 whether we have *Lexecon* problems with respect to the six cases
17 that we've identified? We're not going to have it with
18 Roberts.

19 Go ahead, Daniel.

20 MR. NIGH: Your Honor, I don't want to be too
21 backward looking, but I did bring this up last week when we
22 were talking about how to select cases, and that's why I
23 thought we should have the pool of cases that are ZHP API
24 defendant-only and then we wouldn't have the *Lexecon* issue.
25 And it just so happens that out of the six random -- out of the

1 five random picks, they all happen to have Mylan or Aurobindo,
2 which was some of my concern with randomness last week.

3 If we're going to not have the *Lexecon* issue, I think
4 ZHP API-only defendants, which would be Teva, Torrent and ZHP,
5 would be those cases that would not have *Lexecon* issues is what
6 it sounded like, and that's what I had proposed last week.

7 THE COURT: Well, hindsight is 20/20, Daniel.

8 MR. NIGH: We could still do it forward.

9 (Laughter.)

10 MR. STOY: Your Honor, I would just add though that,
11 I mean, whether *Lexecon* waivers are ultimately executed or not,
12 you know, it's completely normal and appropriate for the MDL
13 court to work up the cases to the point of trial and then if
14 the cases -- you know, whether they get remanded or not, you
15 know, that can happen.

16 But I think summary judgment, Rule 702, you know, of
17 course all the fact and expert discovery that will have to be
18 done can all happen notwithstanding the *Lexecon* waiver.

19 THE COURT: Well, is there any problem with setting a
20 deadline for *Lexecon* waivers now?

21 MS. DAVIDSON: I think that makes more sense.

22 MR. STOY: If that's what the Court would prefer, I
23 think that's fine.

24 THE COURT: You agree, Jessica?

25 MS. DAVIDSON: Your Honor, I think that makes sense,

1 and I've seen that done in other proceedings.

2 THE COURT: Okay.

3 MS. KAPKE: Your Honor, it's Kara Kapke, counsel for
4 Walmart and CVS. I want to address two quick things. One,
5 what Mr. Nigh just said about the ZHP, Teva, Torrent
6 defendants. Most of the cases in the "wave three," I'll call
7 it, of bellwether picks not included also name a pharmacy
8 defendant. Walmart is named in many of them. And Walmart
9 certainly would have *Lexecon* rights with respect to those
10 claims.

11 So I'm happy for plaintiffs to dismiss Walmart. I
12 don't think plaintiffs have valid claims against Walmart under
13 Louisiana law, under various state law. So I'd be happy for
14 plaintiffs to dismiss us out. But I do think that that's worth
15 raising as a problematic approach with what Mr. Nigh proposed.

16 The other issue is I think, at least on behalf of my
17 client, the standard proceeding that I have seen in MDLs is for
18 the case to be worked up and then defendants have the
19 opportunity. And I know my client does not want to go outside
20 of the traditional role where you work up the case and then
21 make a decision.

22 MR. SLATER: Can I address that, Your Honor, for a
23 moment?

24 THE COURT: Go ahead.

25 MR. SLATER: I think that when counsel's talking

1 about the fact that cases are often worked up in MDLs and then
2 sent back to the districts, that's not what's done with the
3 first couple trials in any MDLs I'm familiar with.

4 Normally my experience is the MDL judge wants to try
5 the first cases and then when a certain number of cases have
6 been tried by that judge, the judge says, okay, I don't need to
7 keep trying these cases and now we'll start working up the
8 cases in waves and start sending them out to districts all over
9 the country, to the extent they need to be farmed out because
10 of *Lexecon* issues or whatever it is.

11 But my experience is not that you do that with the
12 first couple trials. Again, I have no idea what Judge Bumb's
13 preference is, but what we don't want to do is focus resources
14 on a case that the Judge may say, well, you know, I wanted to
15 try the first few cases so let's focus on the ones that are
16 going to be tried in front of me. It just doesn't seem to make
17 sense from an efficiency standpoint to leave that till the end.
18 It really makes more sense to focus the cases, at least for the
19 first few trials, on cases that are actually going to be tried
20 here in this Court, because my assumption is that's what the
21 Court wants, although I can't obviously be sure, and I'd never
22 speak for Judge Bumb.

23 THE COURT: Yeah. My understanding was consistent
24 with yours, Adam; that is, that the MDL court would try the
25 first couple of cases and then after that there would be a

1 distribution of cases for trial.

2 Any suggestions on how we move forward?

3 MR. NIGH: Your Honor, I would provide one more
4 suggestion, and that is, there are cases that don't have
5 pharmacies that are ZHP API and there are cases that also have
6 pharmacies where the venue is proper in New Jersey and they
7 don't have *Lexecon* rights as well. Walmart is the third most
8 sued. But Walgreens and CVS, there are many more cases against
9 those two. So there is still that suggestion, is to go back
10 and randomly select cases that would come from the pool and
11 have that be the second wave and then the Mylan/Aurobindo API
12 would be the third wave.

13 THE COURT: Jessica, your reaction?

14 MS. DAVIDSON: I think that what I had suggested a
15 few minutes ago to me made sense, which is there should be some
16 sort of deadline by which, two weeks from now or whatever, by
17 which defendants say whether they'll waive to have these cases
18 heard in the MDL, and if they're not, then they do need to be
19 replaced, unfortunately.

20 THE COURT: Yeah. Let's do it on that basis. Let's
21 do it -- we'll give you two weeks to let me know those out of
22 the six cases that have been selected. I'm not anticipating
23 any problem for Gaston Roberts. So the five other cases, I'll
24 ask both sides to let me know whether there will be any problem
25 with *Lexecon* waivers. If there is, then we'll move to other

1 cases on a random basis and get them selected. And we'll --

2 MS. KAPKE: Your Honor, may I make a suggestion
3 related to that?

4 THE COURT: Absolutely. Yeah.

5 MS. KAPKE: Again, I don't mean to beat a dead horse
6 here, but I really don't think the pharmacy defendants belong
7 in these cases. And I don't want to be a sore thumb, but if
8 I'm looking at wave three, there aren't cases that only involve
9 ZHP, Teva and Torrent. And so I don't know that this is going
10 to fix the problem.

11 So I would request that plaintiffs take a hard look
12 at whether they actually have claims against pharmacies in the
13 bellwether pool and dismiss us if they don't want to pursue
14 claims against the pharmacies.

15 MR. NIGH: Your Honor, we've talked about this.
16 There are many states where we do have claims against the
17 pharmacies, and there's a whole briefing on this. We disagree
18 with this premise.

19 Now, the question of whether or not there are cases
20 that we can proceed on this *Lexecon* issue is another one. And
21 I think that's something that we should take a look at, are
22 there a pool of cases that we could proceed on. And there may
23 be -- it may even include states that, you know, the pharmacies
24 have a defense, you know, an absolute defense. And that could
25 be where some of those cases are pulled. And I think there are

1 also cases that we didn't sue pharmacies. So I'd have to look
2 back at that and really grasp that.

3 But I do think there would be a pool of cases, if
4 there was an appetite for ZHP API only, that should be the
5 second wave of cases.

6 MS. KAPKE: Well -- and what I'm suggesting, Daniel,
7 is not necessarily that you make a decision that every claim
8 against every pharmacy defendant under a particular state law
9 is dismissed, but take a hard look at the specific pharmacy
10 claims involving these bellwethers and decide if you want to
11 dismiss the pharmacy in this particular bellwether. That's
12 all.

13 MR. NIGH: Sure.

14 THE COURT: Can I get a report on that in two weeks?
15 Is that doable?

16 MR. NIGH: Can. I think the problem is, is that
17 whether or not to dismiss the pharmacy such that we could have
18 a trial in state court in New Jersey is going to be highly
19 dependent on are we proceeding forward with the wave two of ZHP
20 API-only cases or are we -- you know. So I think we probably
21 need to see the response from Mylan and Aurobindo on that
22 issue.

23 THE COURT: Okay.

24 Is that a problem, Frank?

25 MR. STOY: No, Your Honor. We can be prepared to

1 make that representation within two -- in two weeks.

2 THE COURT: Okay.

3 MR. STOY: But I can only speak for my client. So I
4 know Aurobindo may have -- they have counsel on here, so I
5 don't want to speak for them. It's their issue as well.

6 MR. GISLESON: Yeah, that's fine. Two weeks is fine
7 with Aurobindo.

8 THE COURT: And who is speaking now?

9 MR. GISLESON: It's John Gisleson from Morgan Lewis.

10 THE COURT: All right. Very well.

11 So within two weeks I would like to have an
12 agreed-upon order that lays out the steps to be taken to get
13 the Gaston Roberts trial ready.

14 MR. NIGH: Yes, Your Honor.

15 THE COURT: And within two weeks I'd like to know
16 where things stand with respect to *Lexecon* waivers, dismissal
17 of pharmacy defendants, et cetera, on the other five cases that
18 have been selected for what I call the first wave of trials.
19 All right.

20 And as soon as I get a transcript, I'll issue an
21 order to that effect.

22 Is there anything else to discuss today?

23 MR. NIGH: No, Your Honor.

24 MS. DAVIDSON: Nothing from us, Your Honor.

25 MR. NIGH: The only thing I would ask is that the

1 plaintiffs at least have some time after Mylan and Aurobindo
2 voice if they're waiving *Lexecon* or not. Because we -- you
3 know, we probably can't do it in one day. I mean, this is
4 going to be a conversation that we need to have with each
5 plaintiff's counsel.

6 THE COURT: Yeah.

7 MR. NIGH: So I think I need at least three days to
8 be able to pull that off.

9 THE COURT: We'll give you a week after that, all
10 right?

11 MR. NIGH: Thank you, Your Honor.

12 THE COURT: The case is still -- you know, we're
13 working up the cases. I don't want this to delay anything.
14 It's been delayed too long now.

15 MR. NIGH: Yes, Your Honor.

16 THE COURT: All right. Okay.

17 If there's nothing else, then we'll adjourn for
18 today. We'll schedule a conference call probably for about
19 three weeks from now. But I'll look at the schedule after this
20 two-week period has passed.

21 Anything else?

22 MR. SLATER: No, Your Honor.

23 MR. NIGH: Nothing from us, Your Honor.

24 MS. DAVIDSON: No, Your Honor. Thank you.

25 THE COURT: Thank you all very much.

1 MS. DAVIDSON: Thank you.

2 MS. LOCKARD: Thanks.

3 MR. SLATER: Thanks, Judge.

4 THE COURT: Yes. Bye-bye.

5 (Proceedings concluded at 3:31 p.m.)

6 - - - - -
7 **FEDERAL OFFICIAL COURT REPORTER'S CERTIFICATE**
8 - - - - -

9 I certify that the foregoing is a correct transcript
10 from the record of proceedings in the above-entitled matter.

11

12

13 /S/John J. Kurz, RDR-RMR-CRR-CRC

October 30, 2024

14 Court Reporter/Transcriber

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<p>MR. GISLESON: [2] 25/6 25/9</p> <p>MR. NIGH: [29]</p> <p>MR. REEFER: [2] 7/15 7/20</p> <p>MR. SLATER: [11] 12/4 12/17 12/25 13/2 13/10 13/16 17/3 20/22 20/25 26/22 27/3</p> <p>MR. STOIY: [14] 5/15 5/20 14/24 15/2 15/4 16/14 17/23 18/2 18/5 18/7 19/10 19/22 24/25 25/3</p> <p>MS. DAVIDSON: [19] 6/1 6/6 6/9 6/23 10/24 11/8 12/2 12/19 13/1 13/11 13/23 16/6 16/8 19/21 19/25 22/14 25/24 26/24 27/1</p> <p>MS. KAPKE: [4] 20/3 23/2 23/5 24/6</p> <p>MS. LOCKARD: [2] 6/21 27/2</p> <p>THE COURT: [65]</p> <p>'</p> <p>'25 [1] 16/1</p> <p>/</p> <p>/S/John [1] 27/12</p> <p>0</p> <p>04112 [1] 2/13</p> <p>07068 [1] 1/18</p> <p>07102 [1] 3/12</p> <p>08101 [1] 1/8</p> <p>1</p> <p>10-yard [1] 17/13</p> <p>100 [1] 3/11</p> <p>10001 [1] 2/16</p> <p>10022 [1] 2/20</p> <p>103 [1] 1/18</p> <p>11 [1] 3/21</p> <p>1100 [1] 1/14</p> <p>128 [1] 2/16</p> <p>14 [1] 2/3</p> <p>1515 [1] 1/14</p> <p>15219 [2] 2/24 3/15</p> <p>1550 [1] 2/6</p> <p>15th [1] 3/11</p> <p>18th [1] 11/23</p> <p>19102 [1] 1/15</p> <p>1:19-md-02875-RMB-SAK [1] 1/4</p> <p>1st [3] 14/13 14/17 16/11</p> <p>2</p> <p>20 [1] 19/7</p> <p>20/20 [1] 19/7</p> <p>20016 [1] 2/4</p> <p>2024 [2] 1/9 27/12</p> <p>2026 [1] 15/14</p> <p>207 [1] 1/18</p> <p>2220 [1] 3/24</p>	<p>230 [1] 3/24</p> <p>2500 [1] 3/3</p> <p>2800 [1] 3/18</p> <p>29 [1] 1/9</p> <p>3</p> <p>30 [1] 27/12</p> <p>301 [1] 3/14</p> <p>30305 [1] 3/4</p> <p>3100 [1] 3/7</p> <p>32nd [1] 3/14</p> <p>3333 [1] 3/3</p> <p>33950 [1] 2/10</p> 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